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VIA FEDERAL EXPRESS

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: Administration of the North
American Numbering Plan
CC Docket No. 92-237, Phase 1

Dear Ms. Searcy:

Enclosed please find the Comments of the Illinois Commerce Commission in the above-captioned docket. I have included an original plus four copies of our filing.

I would appreciate your acknowledging receipt of this filing by returning a duplicate time-stamped copy of this letter in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

Darrell A. Townsley

Darrell S. Townsley
Special Assistant Attorney General

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Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, D.C. 20554

In the Matter of)
)
Administration of the)
North American Numbering Plan)

CC Docket No. 92-237
Phase 1

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COMMENTS OF THE
ILLINOIS COMMERCE COMMISSION

1. Introduction

The Illinois Commerce Commission ("Illinois Commission") hereby submits its comments to the Federal Communications Commission (FCC) *In the Matter of Administration of the North American Numbering Plan*, CC Docket No. 92-237, Notice of Inquiry, 7 FCC Rcd. 6837 (1992) ("NOI"). The Illinois Commerce Commission is the state regulatory body charged with regulating investor-owned telecommunications carriers in Illinois. The Illinois Commission has a vital interest in this proceeding, particularly in light of the competitive developments occurring in the local exchange market. Information gathered in this Inquiry will help further define existing barriers impeding effective competition from further evolving in the local exchange. The Illinois Commission's hope here is to express our particular interests and help guide the future discussion which takes place in this NOI.

2. Background

This NOI was initiated by the FCC at the behest of the National Association of Regulatory Utility Commissioners ("NARUC") which petitioned the Commission to explore a myriad of issues pertaining to telephone numbering in the U.S. The FCC should be commended for initiating this NOI and taking a "proactive" stance on numbering issues. While the FCC clearly states that no immediate action will be taken as a result of this NOI, the Illinois Commission believes that the information gathered in

this proceeding will prove valuable to the FCC in other proceedings, particularly those addressing competitive developments in the nation's telecommunication's markets.

The NOI is divided into two phases; Phase One focuses on the administration of the North American Number Plan ("NANP") as well as numbering for personal communications services ("PCS") and local number portability, while Phase Two examines issues associated with expanding Carrier Identification Codes ("CICs"). Our comments here will address the issues delineated in the first phase of the NOI.

3. Overall Administration of the NANP

In its petition, NARUC raises concerns regarding "the possible competitive advantage to the Regional Bell Operating Companies of having Bellcore as the NANP Administrator."¹ Mindful of the increasing competition faced by the RBOCs, and without casting aspersions regarding Bellcore's past and current administration of the NANP, the Illinois Commission echoes NARUC's initial concerns and we suggest that the FCC begin considering whether it should transfer NANP administration to an industry consortium.

The NANP was developed and implemented in a telecommunications market which was monopolistic and almost entirely wireline-based. These conditions fostered a static, predictable environment in which the current numbering plan made sense. And under these conditions it was logical to have the monopolist, AT&T, administer the numbering plan. However, these conditions have been dramatically altered and the telecommunications markets continue to move further away from the monopolistic and landline conditions which existed no more than a decade ago.

¹ National Association of Regulatory Utility Commissioners, *Petition for Notice of Inquiry Addressing Administration of the North American Numbering Plan*, filed September 26, 1991.

With divestiture of AT&T and the implementation of the Plan of Reorganization under the Modified Final Judgement, the administration of the NANP was vested with Bell Communications Research ("Bellcore"), the ownership of which is shared by the seven Regional Holding Companies ("RHCs"). In 1984, this represented a transfer of NANP administration from one national monopolist, AT&T, to seven regional monopolists, the RHCs. However, the telecommunications world has changed dramatically from 1984 conditions. The RHCs are facing increasing competitive pressures from alternative providers and alternative technologies to those traditionally employed by telecommunications providers are being deployed. These new market participants must be allowed to actively and substantively participate in the administration of the NANP. Additionally, the new technologies being employed, particularly the wireless technologies, need to be taken into account as the NANP is amended in the future.

Restricted access to telephone number resources could be a hindrance to the further development of effective competition in all telecommunication markets. Amendment of the NANP in such a way as to address the needs of *all* providers and *all* technologies could remove will this potential barrier and create an environment created in which competition can continue to grow. Therefore, in order to account for these needs, the Illinois Commission recommends that the FCC begin to explore whether and to what extent the administration of the NANP should be transferred from Bellcore to another entity that may include representatives from other service providers, such as wireless and IXCs, as well as manufacturers. Such a transfer in NANP administrative authority, however, should be considered only to the extent that the RHCs are facing increased competitive pressures in their local markets. Furthermore, since the FCC has

plenary oversight responsibilities of our nation's numbering resource,² the FCC should also serve as the ultimate arbiter for disputes between consortium members.

4. PCS Numbering

Another issue in this NOI concerns the ramifications of numbering plan policies for emerging technologies such as personal communications services ("PCS"). Both regulatory and technical issues related to PCS are being considered in other FCC dockets.³ The FCC, however, has sought comment on what actions should be taken in the context of the NANP in this docket in order to foster the further development of such services as PCS.

The Illinois Commission's comments regarding NANP policy changes and its impact on PCS will be brief. Other industry participants can more accurately describe the costs involved in developing a numbering database that would be flexible enough to facilitate the "rollout" of new technologies. The Illinois Commission will limit its comments to the economic benefits of changing the existing NANP policies and we hope that other parties will respond to and expand on our particular thoughts in their reply comments in this NOI.

In its comments in CC Docket 90-314, the Illinois Commission has supported the position that PCS be classified as a common carrier as opposed to a private land mobile

² See *The Use of N11 Codes and Other 92-105 Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Notice of Proposed Rulemaking, 7 FCC Rcd. 3004 (1992). Also see *Referral of Questions from General Communications, Inc. v. Alascom, Inc.*, 3 FCC Rcd. 700, 709 (1988); *FCC Policy Statement on Interconnection of Cellular Systems*, Appendix A to *The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services*, 59 R.R. 2d 1275, 1279 (1986), *recon. granted in part, denied in part*, 2 FCC Rcd. 2910 (1987), *further recon. granted in part, denied in part*, 4 FCC Rcd. 2369 (1989).

³ Other FCC activities in this area include CC Docket 90-314, CC Docket 92-9, and ET Docket 92-100.

radio service. This position was adopted by the Illinois Commission because it believes that PCS is being developed in order to interface with the public switched telephone network ("PSTN"), and as such these services must be held to similar rules and requirements that govern all those who provide services in the public domain.⁴

A logical extension of this stated position is a policy which supports and advocates the enhancement of the current numbering plan in a way which will foster the development of such alternative technologies as PCS. In order to make PCS-type services economically feasible, and to the extent consistent with our prior positions, the Illinois Commission sees the potential need to transition to a portable numbering system for the following reasons:

- Basic access to blocks of telephone numbers used in the PSTN can impact whether or how alternative access providers or PCS providers can impact market share. Currently, local exchange carriers ("LECs") can reserve "blocks" of numbers for their use. This reservation procedure has helped LECs provide quality service because they have an excess supply of numbers which they can then assign as new users come onto their network. Knowing the numbers which the switch must handle, network personnel can program the switch ahead of time to handle these numbers, and then "turn on" numbers when they are assigned. In a competitive environment, however, this reservation procedure could be perceived as "hoarding" when others entities such as competitive access providers, cellular companies and PCS providers need these numbers in order to provide service to users.
- Number portability contributes to "ease of use" and, as a result, would increase the marketability and usefulness of PCS. Thus, to the extent possible, regulatory bodies, such as the FCC and the Illinois Commission which have adopted policy positions in support of developing new alternative technologies, must also adopt complementary positions which will facilitate that technology development.

⁴ Comments of the Illinois Commerce Commission, *In the Matter of Amendments of the Commission's Rules to Establish New Personal Communications Services*, November 6, 1992, p. 6.

For these basic reasons, the Illinois Commission would urge the FCC to explore enacting a policy which promotes the development of a portable numbering database as soon as technically practicable. PCS represents an important range of non-wireline services that can provide benefits across a very wide range of telecommunications consumers -- from the businessman conducting business as he walks to his favorite delicatessen for lunch to the farmer tilling his field on his tractor needing to make a phone call. Additional options create competition for services, and it has been the Illinois Commission's position that this increased competition for services may result in increased quality of service for consumers at lower prices than those which would have been realized in a regulated environment.

5. Local Number Portability

Finally, the Illinois Commission would like to address the issue of local number portability. Due to the conflicting opinions over the technical complexity of the number portability issue, we would encourage the FCC to explore the issue further in either other applicable dockets or in this NOI by asking for additional comments which solely address the technical aspects as well as the costs of making local numbers portable. Nonetheless, we again hope that parties will address the thoughts we lay out here in their reply comments, particularly in regard to the role state public utility commissions should play with respect to number portability issues.

As noted by both MFS and Teleport in their respective responses to NARUC's petition,⁵ number portability is felt by many to be essential for the continued development of competition in local exchange markets. As competition advances, customers will request the ability to take their phone numbers with them if they choose

⁵ Comments by Metropolitan Fiber Systems, Inc. ("MFS"), *In the Matter of Administration of the North American Numbering Plan*, Docket No. DA 91-1307, December 20, 1991. Letter from Robert C. Atkinson, Senior Vice President, Regulatory and External Affairs, Teleport Communications Groups ("Teleport"), to Donna R. Searcy, Secretary, Federal Communications Commission, December 20, 1991.

to switch local carriers. As recently reported by the Illinois Commission's Staff, the portability of local numbers would be a significant step in lowering the barriers to entry in local telecommunications.⁶ Just as interexchange competition would have been nipped in the bud had end-users been required to have a different phone number for each IXC they used, so could local exchange competition if customers are required to change numbers when changing local carriers.

Additionally, telephone number portability not only between wireline carriers, but also between technologies (for instance, numbers currently used for cellular service should be portable to landline uses and vice versa) should be explored. If a "network of networks" is to fully evolve, then the increasing importance of technologies, other than the traditional landline, must be recognized in any numbering plan. The facilitation of this evolution may have to include giving alternative and emerging technologies equal treatment on numbering issues to that which is afforded landline carriers and by ultimately making numbers portable between different carriers employing different technologies.

Our collective experience with the "800 database" may serve as a starting point to learn how local number portability could also be accomplished. In the case of 800 numbers, the FCC ordered that the portability of 800 numbers be facilitated through a central database in order to promote competition among providers of 800 services.⁷ Previously, if a customer wanted to take advantage of competitive alternatives in the 800 market, he would have to change his 800 number. While such a number change is costly to all 800 subscribers, having to make an 800 number change is particularly costly for those businesses which have numbers that spell out a slogan or name. For these

⁶ *Local Competition and Interconnection: A Staff Report to the Illinois Commerce Commission*, ICC Docket No. 90-0425, dated July 1, 1992.

⁷ *Provision of Access for 800 Services*, CC Docket No. 86-10, 4 FCC Rcd. 2824 (1989), *on reconsideration*, 6 FCC Rcd. 5421 (1991).

businesses, the 800 number is intimately associated with their business. In order to alleviate these problems, the FCC ordered 800 number portability. Full implementation of this order is scheduled for March of 1993.

There is no reason to believe that having to change a local telephone number will be any less burdensome or costly as it to change an 800 number. For businesses and residential customers alike, the burden and costs of changing a local phone number in order to take advantage of competitive alternatives could possibly outweigh the benefits derived from making such a change. A fully and effectively competitive local exchange market may not develop without local number portability.

The Illinois Commission suggests that the FCC begin examining the feasibility of making telephone numbers portable between cellular carriers as a trial run to making all numbers portable. Currently, if a cellular telephone owner wishes to change cellular carriers, he must also change numbers. This did not represent a major obstacle in making this industry competitive at its inception since cellular phones were primarily used to place outgoing calls and not receive incoming calls. However, the use of cellular phones to *receive* calls appears to have increased over the past few years. As this trend continues, cellular subscribers will begin to demand the ability to take their number with them if they choose to change providers. Without this ability, these customers will have to incur the costs of letting everyone know that their phone number has changed. This will also have the potential effect of making the cellular industry less competitive as customers become "captive" customers due to their unwillingness to change numbers. Conversely, instituting the portability of cellular telephone numbers would represent the removal of one of the final reasons for continued regulatory oversight of this market. The Illinois Commission therefore recommends that the FCC begin exploring the potential of cellular number portability. This would provide us with further technical, administrative, and economic lessons regarding complete local number portability.

Finally, Phase Two of this NOI explores expanding Carrier Identification Codes from five digits (10XXX) to seven (101XXXX). While these comments address Phase One issues, the Illinois Commission would merely like to suggest at this point that the FCC begin exploring the possibilities of applying these new codes to local markets to allow users to access competitive alternatives *before* local numbers are made portable. The use of CICs at the local level would be analogous to their use at the interexchange level.

6. Conclusion

The Illinois Commission believes that an efficient, non-discriminatory and open process, which permits all interested parties an equal opportunity to have substantive input, must be established for the administration of the NANP. The Illinois Commission therefore suggests that the FCC begin to explore the formation of an appropriate consortium to administer the NANP, with dispute resolution vested with the FCC.

Regarding PCS numbering issues, the Illinois Commission urges the FCC to explore enacting a numbering policy which affords equal footing to emerging technologies and fosters the further development of these and other technologies. Such a numbering policy would promote the development of a portable numbering database.

Finally, the Illinois Commission believes that local number portability is an important component to the further evolution of local competition. We therefore urge the FCC to delve into this issue further to explore the technical and economic aspects of accomplishing local number portability. The 800 number portability experience could serve as a learning device as we look into the potential of local number portability further. Additionally, number portability in the cellular industry should be explored and, if possible, implemented as a trial run for full local number portability. The Illinois Commission also believes that to continue the evolution of the network of networks, numbers must be portable between different carriers employing a variety of technologies.

WHEREFORE, the Illinois Commerce Commission requests the Federal Communications Commission to consider the foregoing comments in exploring the issues related to the administration of the North American Numbering Plan.

Respectfully submitted,

The Illinois Commerce Commission

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